

HOUSE ADDS ANOTHER DAY

ALSO TWO THOUSAND DOLLARS
FOR EXPENSES.

Unpaid Bills Act Fails to Pass Second
Reading This Morning—Referred to
Special Committee.

The House met this morning with twenty-one members present, Hoogs, Robertson, Gilliland and Mossman and Hille being added to those present yesterday. The action taken will cost another day's session for the last appropriation bill failed to pass second reading. It was referred to a special committee, to be reported on at 2 o'clock tomorrow afternoon and was amended by an addition of \$2,000 for unpaid bills of the legislature.

Emmeluth moved that the bill go to a special committee, as soon as the minutes had been read. Makekau opposed the idea and moved that the bill pass second reading. The tall lawmaker from Hamakua observed that many Oahu members were absent and said that they probably had troubles of their own to look after. "The members from other islands also have their own troubles," said Makekau, "and they want to get away."

This brought patriotic declarations from Prendergast and Puukali of their willingness to remain and serve the country as long as they were needed, even though they were tired, which Puukali admitted was his condition. Prendergast wanted to be sure that the bills to be settled were really debts owed by the government, and Puukali was in the same fix.

Kekaula rose to move an amendment adding \$2,000 to the Act for unpaid bills of the session. The amendment was typewritten and had been passed round among the members before the session began, being finally turned over to the member from Kau for introduction. Several joyous seconds greeted the amendment and it was duly carried. Hoogs, Robertson, Gilliland and a few others raising their hands against it.

The motion to send to a committee then carried, the speaker naming Emmeluth, Gilliland, Kekaula, Prendergast and Mossman as members of the committee. They are supposed to go over the items in the unpaid bills Act and see if the bills are all right, reporting at 2 o'clock tomorrow, when the bill may pass second reading, and may be the occasion of a good deal of discussion.

This adds another day to the Senate program. The Senate adjourned till 2 tomorrow, hoping that it would then receive notice that the bill had passed through the house and that adjournment sine die could be taken.

PEOPLE ON THE GRANT.

Officers of Quartermasters Department
Going to Philippines.

There were very few "notables" aboard the transport Grant this trip. General Ludington the quartermaster general of the army and Captain Carl Reichmann who was the United States military attaché with the Boer army were probably the most interesting. Captain Reichmann is going to join his regiment in the Philippines.

Among the others aboard were Col. C. S. Roberts, wife and daughter. He has been on staff duty for some time past but is enroute to the Philippines to join his regiment, the Second Infantry. During the Spanish War he was adjutant general of the Second Corps. Colonel C. A. McCauley, a member of the quartermasters' department who is going to Manila. There are also a number of officers belonging to the quartermasters' department who have been assigned to duty in the Philippines.

Captain Murray Baldwin who goes to join the 26th Infantry has many friends here.

John D. Beuret is a naval constructor who is going to Cavite for duty. There were also four army surgeons and four army nurses aboard the transport, going to the Philippines. The Grant was delayed here on account of small repairs to her boilers.

COLLEGE HILLS.

The Electric Car line is being rapidly constructed through College Hills and is to be in operation by September 1st. The private water supply will be laid through every block by July 1st.

NEW SHIRTS.

L. B. Kerr & Company have just unpacked 25 cases of the most up to date goods in Men's White and Negligee shirts. This lot comprise the very newest ideas in New York. They are being sold with the other goods at Fair Prices.

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EXCAVATOR MEN STRIKE

EFFECT OF ONE LEGISLATIVE
REDUCTION.

Appropriation for the Men is Reduced
And All Quit Work Rather Than
Accept Less Pay.

The odorless excavator men all went on strike this morning on account of a cut in their wages made necessary by reductions in the new appropriations as compared with the old. They went in a body to the park in front of the Capitol Buildings and crowded the Algaroba Legislature out of the seats beneath the shade where the "third House" has been wont to sit.

The strikers were notified yesterday by Captain Sam Johnson, who runs the excavator business, that the reduction in the amount at his disposal would necessitate cuts in salaries, or laying some men off for the rest of the month. He was allowed \$2,900 per month for his payroll under the old law, while the new law makes it \$2,600. Yesterday Johnson had a talk with his men and explained the situation. They agreed to accept a cut of \$2.50 each for the month of July, but this morning they showed up in different mood.

Forty men went on strike, leaving idle all of the ten excavator wagons and the entire rubbish curbs. Soon telephone messages began to come into Johnson's office, from people who wanted cesspools cleaned out. The business began to liven up after a while and before long the telephone wires were hot with kinks. In the meantime the strikers enjoyed the cool Algaroba shade, sitting on the seats that had been honored with the weight of lawmakers and lying on the grass, while a few of the leaders grated about their rights and explained how Jim Boyd would fix them. The excavator department is under the Superintendent of Public Works now, instead of the Board of Health.

Yesterday the men were told that if they did not accept the cut several of them would have to be laid off. They decided to stand the small reduction all round and all hold their jobs.

Captain Johnson said this morning that yesterday the men appeared to understand the situation and to be satisfied, but the kickers got in their work during the night. "I told them that I would cut myself \$10, the forms \$5 and the rest \$2.50," said Johnson. "The deal had to be made up somehow, and I couldn't get the money from the Auditor."

"Next month we shall reduce the force and thus keep within the appropriation."

Excavator men who went on strike are nearly all natives. They have been receiving \$40 per month, sub-lunas \$50 and the foreman \$65 per month. This is a raise from the old figures that were in effect when Johnson took charge. The latter stated that he would have no trouble in getting plenty of men. When the workmen this morning made their kick he offered to take most of them back at the old rate laying off only enough to make the cash come out even. The men said they would all go back, at full pay, or all quit, and Johnson fired them all out of his office. It was then that they went to the comfortable seats of the "third house," to await the arrival of Boyd and make an appeal to him.

Superintendent Boyd told a committee sent to see him that he could not provide money where there was none and that they would have to make the best of it. The result was another conference, and the men came back to say they would not work. On the way they met a Home Rule legislator and one of them called out to him to go and work on an excavator at the wages he had helped to establish.

"We shall have to put new men on," said Boyd. "There are plenty of men who are natives and citizens who want to work at the wages offered."

Captain Johnson finally put an end to the strike at noon by officially discharging all the old hands and is engaged this afternoon in making out a new payroll that will come within the appropriation. There are plenty of applications for the positions and there will be no further hitch in the service.

Besides the trouble with the excavator service the department has been kept busy making explanations to the numerous complaints anent the non-removal of rubbish. One of the garbage wagons broke down early this morning and there was a temporary hiatus in the garbage removal during repairs.

SEMI-WEEKLY STAR.

Honolulu people who are going abroad can have the Semi-Weekly Star mailed to any address for the small sum of twenty-five cents a month. The Semi-Weekly Star contains all the local news of importance, besides the daily stock quotations are published.

DIFFERENCE OF TEN DEGREES.
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FREEDOM FOR CRIMINALS

MURDERERS, BURGARS, RAPISTS
AND THIEVES.

W. D. Hamilton, Under Sentence for
Manslaughter, is Freed—Jail Delivery
of Tough Characters.

The following list of men declared guilty of murder, rape, arson, manslaughter, larceny and assaults with deadly weapons, after August 1898 and before the Organic Act took effect, may possibly now secure releases from Oahu jail, under the decision rendered yesterday by Judge Gear. This morning W. D. Hamilton, the first one on the list, secured his release, by habeas corpus proceedings brought by George A. Davis. He shot and killed one A. Davis in a drunken row, on June 18, 1898, and was sentenced to five years. The list shows the names of the prisoners, the crimes and date thereof, the sentence and the Judge who passed sentence:

W. D. Hamilton, August 24, 1898, manslaughter and degree, 5 years; Judge Stanley.

Leon Kupieha, rape, March 3, 1899, 5 years; Burns.

Ilina Ichiguro, murder first degree, May 22, 1899 to be hanged, committed to Oahu; Perry.

Osaki Marukichi and Chida Mangaburo, May 22, 1899, manslaughter, 20 years each; Perry.

Yamashiro Kichiro, May 22, 1899, manslaughter in second and third degrees, 15 years; Perry.

Genji, assault with deadly weapon, August 15, 1899, 7 years; Stanley.

Yong Look Nee, murder second degree December 9, 1899; Kalia.

Lum Ko, larceny first degree, 18 months, March 13, 1900; Perry.

Nalope, arson, May 8, 1900, 2 years Stanley.

Kaluna, burglary first degree, May 14, 1900, 3 years; Stanley.

William Ester, manslaughter, May 25, 1900, 20 years; Stanley.

Lono Olo, rape, June 8, 1900, 4 years, Kalia.

Ah Quong, rape, January 12, 1899, life; Wilder.

Wong Chew Hung, manslaughter first degree, January 12, 1899, 10 years; Wilder.

Huekon, alias, Kaie, burglary, second degree, April 3, 1899, 5 years; Wilder.

Hanalei Napua Pahoe, murder second degree, October 6, 1899, 20 years; Wilder.

Lo On Pau, burglary, second degree, October 18, 1898, 12 years; Stanley.

Hamada, burglary first degree, April 5, 1899, 3 years; Stanley.

Makihara Katsutaro, manslaughter second degree, July 13, 1899, 7 years; Wilder.

Lee Lang, larceny first degree, October 18, 1899, 4 years; Stanley.

Choi Yuen, alias, Pappaon, assault with deadly weapon, March 5, 1900, 2 years; Parsons.

Amu Sang, larceny first degree, Oct 18, 1898, 4 years; Stanley.

Kahala, rape, January 6, 1899, 8 years; Wilder.

Attorney General Dole appearing in court at noon today to oppose the action of Hamilton, made a further protest against the prospective jail delivery. The result was a more emphatic declaration than ever by the Judge that he had no option, under the law as he understood it, but to release all who made application under circumstances similar to those in the Goto, Ah Oe and Hamilton cases. Dole asked for postponement of the cases, until he could get a ruling from the Supreme Court.

The Attorney General said that a general jail delivery of men held for murder, rape, arson, burglary and other serious crimes, was threatened, and that the court assumed a tremendous responsibility in turning such persons loose on the community. He insisted that the Territory had the right of appeal by deciding that the matter was one which the highest court in the Territory should pass upon. Judge Gear stated that he was not bound by decisions of the Supreme Court at Washington in cases of this kind.

"This court assumes no new responsibility," said Judge Gear, "merely sticking to the position it took when it took up the matters. It consented to wait until an official copy of the decisions from Washington were received and then it decided the matter, assuming all responsibility."

"The court knows of no general jail delivery of which the Attorney General speaks. It does not appear in the evidence. The court finds that this defendant was not given his right to be heard in respect until he had been declared guilty by twelve jurors and believing that to be the case, this court has no option, under its oath before God to support the laws of the land, but to order his release."

"This court is, as it has stated most emphatically of the opinion that all legislation of the Hawaiian Islands contrary to the constitution of the United States was most clearly abrogated and annulled by the Newlands Resolution. Believing this, the court can only believe also that the Supreme Court of this territory would hold the same view. If the matter should come before that court."

"The court would not yesterday consent to allow an appeal, believing that there is no law under which it can do so, and would not hold the prisoners. It cannot hold the prisoners by postponing their cases, which would be in effect what it refused to do yesterday. The law is obligatory upon this court to discharge any person whom it finds to be illegally imprisoned, and it will therefore order the release of this defendant."

Hamilton was called forward and told that the court had found that his imprisonment had been illegal and that he was therefore free. He has been in a trusty in the prison and has been driver of the police patrol wagon. High Sheriff Brown was present when the prisoner was released.

"The court is sorry that it cannot take back the time you have been unlawfully held in prison," said Judge Gear. Hamilton left the court a free man.

Attorney General Dole proposes to die in the last ditch. He will make every move, in behalf of each case, that is possible, but as long as it is held

(Continued to page eight.)

DOLE GOES AFTER GEAR

STILL FIGHTING GOTO AND AH
OE CASES.

Attorney General Asks the Supreme
Court to Order Gear to Allow an
Appeal.

Attorney General E. P. Dole this morning applied to the Supreme Court for writs of mandamus ordering Judge Gear to allow an appeal in the cases of Goto Hayzo and Ah Oe, who were discharged yesterday on writs of habeas corpus on the ground that they had been unlawfully found guilty by verdicts of less than 12 jurors. This is a move to again bring before the highest court in the Territory the question of the constitution of the United States being applied to Hawaii before the Organic Act took effect.

The Attorney General claims that Gear is under a "misapprehension" as to the application of the Insular Decisions of the United States Supreme Court to the points at issue in the Goto Hayzo and Ah Oe cases. His petition filed this morning contains all the records in the cases up to yesterday, when, it is alleged, the prisoners were set free. Both are now alleged to be at liberty.

Dole says that Judge Gear denied the Territory the right of appeal provided for by law and especially by section 1435 of the civil laws of 1897.

The petition of the Attorney General concludes as follows:

"That the Attorney General, representing the Territory of Hawaii, believes that said Goto Hayzo was discharged by the Second Judge of the First Circuit Court aforesaid in consequence of a misapprehension on the part of said Judge in regard to the application of the Insular Decisions, so called, recently rendered by the Supreme Court of the United States, to the Fifth and Sixth Amendments of the Constitution of the United States; and that said Goto Hayzo is not lawfully entitled to his liberty."

"Wherefore, the Territory of Hawaii, by E. P. Dole, its Attorney General, prays that a writ of mandamus issue from this Honorable court commanding said Second Judge of the First Circuit Court, his successor or successors in office to allow the said appeal of the Territory of Hawaii to the Supreme Court of said Territory according to law; and that in the meantime the said final decision of said Judge be suspended and that a writ of arrest issue for the detention of said Goto Hayzo and for such other and further relief is justice in the premises may require."

AHEAD OF THE FLAG HERE

GEAR GOES THE SUPREME COURT
ONE BETTER.

His Decision Yesterday Declared to
Indicate That the Constitution Was
Here Before the Flag-Raising.

The constitution "following the flag" is behind the times in Hawaii. Judge Gear's decision yesterday appears to put the constitution considerably ahead of the flag in these Islands. The flag didn't get here until August 12, 1898, when the famous flag-raising and transfer of sovereignty took place, but the constitution, according to Judge Gear, came by wireless telegraph, or by some other method, arriving here on July 7, 1898, the day on which President McKinley affixed his signature to the Newlands Resolution. This was before Hawaii knew about it.

The parts of the Circuit Judge's decision are declared to imply putting the constitution ahead of the flag are the following extracts:

"The Supreme Court of Hawaii says on page 34 of the Peacock case: 'The Joint Resolution annexing these Islands to the United States, regarded as an Act of Congress, would in accordance with the general rule applicable to acts of Congress, no other date being named, take effect upon its approval by the President, July 7, 1898. Indeed, it purports to take effect at once. It is in the present tense. The Islands are hereby annexed.' And annexation took place before the transfer of sovereignty, August 12, 1898."

"Despite, however, the fact that the Hawaiian Supreme Court said that 'no one would seriously contend that annexation took place before the transfer of sovereignty, August 12, 1898,' the Attorney-General of the United States, Hon. John W. Griggs, did, within less than four months after the decision in the Peacock case, decide that 'the Hawaiian Republic, as a separate and sovereign power, ceased to exist when the resolution of annexation took effect' and that 'the resolution of annexation took effect as of the date of its approval, to wit July 7, 1898, with respect to public lands, and not August 12, 1898, the date on which the ceremonies took place formally transferring sovereignty.' Opinions of the Attorney-General, Vol. 32, pp. 574-588.

"From this it will be readily seen that there was one at least who would seriously contend that annexation took place before the transfer of sovereignty August 12, 1898, unless we are now asked to regard the decisions of the Attorney-General as not 'serious.'"

ICE HOUSE DELICACIES.
Camartine California Fruit Market is the place for ice house delicacies. Everything the California market affords at this season of the year can be found at Camartine's.

The Customs Tariff Act of 1897 with alphabetical schedule, revised up to July 1st, 1900, an indispensable book for all importers, just received and for sale by the Golden Rule Bazaar.

Ladies' French dancing slippers at McInerney's Shoe Store, something entirely new.

TRANSPORTS TO CONTINUE

REGULAR SERVICE TO HONOLULU
REMAINS.

Captain Baker, Quartermaster of the
Transport Grant Explains Why Ves-
sels Will Stop at Honolulu.

Contrary to adverse reports the transport service to this port is not to be discontinued. Quartermaster General Ludington was quoted recently as saying that the transports would not, in future, stop at Honolulu as they were to go to the Philippines by the Great Circle route. Captain Baker the quartermaster of the transport Grant is the authority however, for the statement that the service by way of Honolulu it not to be discontinued.

In official circles it has been unofficially announced that an order will go into effect August 1, directing that the regular transport service of two vessels a month to the Philippines, by way of Honolulu will be continued. The transport leaving on the 1st of each month will stop at Guam after leaving here while the vessel on the 16th of the month goes straight through to Manila, after stopping at Honolulu. The southern route is regarded as the most natural and proper for the reason that Honolulu is an important port and is destined to be so as long as vessels ply the Pacific Ocean.

Were it not a matter of coaling the transports would return by way of the present system of taking the northern route on the home voyage is made necessary by the fact that sufficient coal deposits for the coaling of vessels had not yet been discovered in the Philippines. As soon as such deposits are discovered however it will be no longer necessary for the transports to go to Nagasaki to coal as is now required and the vessels can receive the necessary amount of coal at Manila and so come home by way of the Hawaiian Islands.

Had it not been for an unnecessary scare which was felt by people in army circles the transport Hancock with the general, surgeon general, commissary general and Congressional party aboard would have come by the route last month. Some yarn to the effect that six white people had died of the plague in Honolulu caused the officers of the Mainland to fear lest the Hancock be detained, and to keep her here so it was decided at the last moment, to change her route and leave Honolulu altogether. It was stated that such a course would be unnecessary. Dr. Carmichael the quarantine officer at San Francisco advising the officers that they would not run any risk of being quarantined should they stop here. It was decided not to take the risk. As the various heads of the department were anxious to complete their respective tours of inspection within a certain time so they said they would leave Honolulu.

Captain Baker has been in charge of the Grant over two years and a half and his views on the subject of routes to the Philippines are given more consideration probably than those of any other officer. He is a strong advocate for the Honolulu route and is confident that the War Department does not contemplate making any change.

During the present stop here the Grant has not taken on any coal as she was given a sufficient amount to make the complete trip to Manila. There are sufficient supplies on hand in the Philippines to last five months or more so it was decided unnecessary by the War Department to pile up more supplies when they were not required. Instead of loading the Grant therefore with coals she was given a special ballast of coal. The Logan will probably be the next transport here and the Thomas the second.

INCREASED ELECTRIC STOCK.

The stockholders of the Hawaiian Electric Company held a meeting today and voted to increase the capital stock from \$500,000 to \$500,000. This increase is to pay for new machinery which has been ordered. The machinery includes a new engine and dynamo. Stockholders of record will be offered the stock par until August 15, after which time the new issue remain unsold, it will be open to the general public.

Cuts and bruises are healed by Chamberlain's Pain Balm in about one third the time any other treatment would require because of its antiseptic qualities which cause the parts to heal without maturation. For sale to heal without Benson, Smith & Company, general agents Hawaiian Islands.

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PACIFIC HEIGHTS RAILWAY.

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MUST MIND HIS PS AND QS

OR THE SORCERERS WILL GET
HIM.

If He Don't Look Out—Japanese
Magic and Incantation Invoked
Against Judge Gear.

The kahunas are after Judge Gear and the trustees of Kaunakapili church. These kahunas are not ordinary kahunas of Hawaii but are of the imported variety. They are from Japan. The closing of Iwilei in the cause of the magicians being employed to ruin Judge Gear and the trustees of the church, who secured from the court a perpetual injunction closing the Iwilei pen.

Shortly after 1 o'clock this morning Deputy Sheriff Chillingworth was called to the telephone and received a post haste message to come to Iwilei immediately as "the Japs are butting a coffin with a body in it." The officer hurried to Iwilei and there witnessed a strange ceremony. He discovered a crowd of men and women about a coffin but instead of the box being buried some of the Japanese attendants were in the act of setting it on fire.

Chillingworth did not relish the idea of such open incineration being conducted and springing into the midst of the circle he ordered the men to get out the fire and stop burning the body. An investigation disclosed the fact however that there were no remains inside the coffin.

Instead of there being a body, the coffin contained an effigy of some person and with it were countless pieces of papers with various figures written upon them. The Japanese explained that they were not burying the coffin but intended burning it. The closing of Iwilei had made business bad with the people living in that section that something had to be done to break the evil spell of bad luck. They wanted the writs, which ordered the closing of Iwilei, destroyed and they hoped by burning the coffin and the various papers in it to scare away the bad luck.

Chillingworth questioned other Japanese however and was given to understand that instead of the simple ceremony of coffin burning the Japanese were in reality trying to "kahuna" Judge Gear and the trustees of the Kaunakapili church whom they declared to be their enemies. One of the attendants about the coffin was taken up to the appearance of Chillingworth being taking quite a prominent part in the ceremonies, was stated to be one of the most famous of the Japanese kahunas living in Honolulu. His good offices were specially secured to try and overcome Judge Gear and the church trustees and wreak revenge upon them. The ceremony will probably be attempted some other night as the appearance of the deputy sheriff brought the affair to an abrupt close this time.

CAPTAIN LOST HIS SHIP.

As the result of the alleged captain baiting campaign of the Sailors' Union Captain Albert Wallace the master of the American bark Sea King lost his vessel yesterday. He had to remain here to plead today to the charge against him in the United States court. His vessel was ready to sail for the Sound yesterday afternoon but Captain Wallace could not get away. He had to lose his ship for she could not be detained here in port awaiting the outcome of his case. Master Dowling of the bark Rufus E. Wood took command of the Sea King.

PLEAS OF NOT GUILTY.

Captain Wallace of the bark Sea King appeared before Judge Estee this morning and pleaded not guilty to a charge of cruelty on the high seas. Pleas of not guilty were also entered, by Attorney Thompson, in behalf of the four sailors of the C. D. Bryant, charged with deserting the vessel in time of peril.

SHOWS INCREASING PROSPERITY.

The twenty-sixth annual report of the Provident Savings Life Assurance Society, which has just been published is gratifying to all the friends of the company. Since President Scott assumed the management of the company it has doubled its assets, income and reserve fund for policy-holders. A. Newhouse, resident manager; office 6 Model Block.

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Ladies' Tan Lace Boots, 5.00-\$6.00
cut to 2.50
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cut to 2.50
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